



Department of Justice

**United States Attorney Timothy M. Morrison
Southern District of Indiana**

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CONTACT: MARY BIPPUS
(317) 229-2403
mary.bippus@usdoj.gov

THIRD MAN CHARGED IN ENVIRONMENTAL CASE

PRESS RELEASE

INDIANAPOLIS - Joseph T. Biggio, 51, Chicago, Ill., was charged today with two counts of violating the Clean Water Act and one count of making false statements, following an investigation by the United States Environmental Protection Agency, Indiana Department of Environmental Management, and Department of Natural Resources.

The information alleges that from 2001 through 2007, Biggio was the Executive Vice President of Operations at Ecological Systems, Inc. (ESI), a business located on west 86th Street in Indianapolis. ESI is an oil reclamation business that reclaimed and reprocessed used oil from its customers. ESI also treated oily wastewater and wastewater with chemical constituents (many from fuel products) leftover from its processes and discharged into the City of Indianapolis's municipal sewer system. ESI had a permit granted to it by the City of Indianapolis under which it was authorized to discharge wastewater according to a permit. The permit provided limits for some pollutants, and assessed surcharges for other pollutants. For the latter category, a higher surcharge was assessed if the amount of the pollutant was higher.

ESI's permit required ESI to gather representative samples and to report all results from the samples it took to the City in monthly reports. One alleged violation of the Clean Water Act stemmed from Biggio's conduct from 2001 through 2007, when Biggio purportedly authorized ESI employees to take multiple samples, but only report the most favorable sample results to the City. The purpose of doing this was to reduce the surcharge amount ESI would owe the city. A second alleged violation of the Clean Water Act was that from 2006 through 2007, Biggio purportedly authorized employees to take non-representative samples of its discharge because the employees took them during rain events in an effort to get a more diluted sample. The alleged violation regarding false statements was based on Biggio's signatures on six years of monthly reports that were submitted to the City. Biggio allegedly knew that these reports did not contain the true results of ESI's effluent because either multiple samples were taken and not reported, or sampling had occurred during rainfall events.

According to Assistant U.S. Attorney Gayle L. Helart, who is prosecuting the case for the government, Biggio faces a maximum of three years in prison for each violation of the Clean Water Act and a maximum of five years in prison for making false statements on the monthly reports. Biggio also faces a fine of either \$250,000 for each of the three felonies, or up to \$50,000 per day of violation for the Clean Water Act violations fine. An initial hearing will be scheduled before a U.S. Magistrate Judge.

In February 2010, Michael Milem and Mark Snow were also charged. There cases are pending in district court.

An information is only a charge and is not evidence of guilt. A defendant is presumed innocent and is entitled to a fair trial at which the government must prove guilt beyond a reasonable doubt.

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